

A stylized sun graphic with a central grey circle and wavy grey rays. The text is overlaid on this graphic.

Open Meetings

March 15, 2004

Item # S402

Let the Sun Shine In

Preamble to the Brown Act

...[T]he public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

Background

- The Public raised concerns regarding closed session meetings of the City Council.
- On Monday, March 8, 2004, Deputy Mayor Atkins and Councilmember Frye sent a memorandum to the Mayor and Councilmembers requesting a discussion on the Brown Act be docketed for March 15, 2004. (Attachment1)
- Deputy Mayor Atkins and Councilmember Frye decided not to attend the Closed Session meeting on Tuesday, March 9, 2004.
- On Friday, March 12, 2004, The San Diego Union-Tribune ran an editorial by Deputy Mayor Atkins and Councilmember Frye on open meeting laws. (Attachment 2)
- In addition, on March 12, 2004, Councilmember Madaffer sent out an email newsletter supporting the actions taken by Frye and Atkins to bring this issue forward.

The California First Amendment Coalition (CFAC)

- CFAC's primary purpose has been the advancement of the public's right to participate in government and obtain government records by working to improve compliance with state and federal laws.
- CFAC is a coalition with board of director members representing a number of pre-existing groups of media professionals with a common interest in First Amendment issues:
 - **The California Newspaper Publishers Association**
 - **The California Broadcasters Association**
 - **The California Society of Newspaper Editors**
 - **The Radio-Television News Directors Association**
 - **The Society of Professional Journalists**
 - **The Associated Press News Executives Council**
 - **The California Chicano News Media Association**
- **The San Diego Union Tribune is also a current member of CFAC**

The sole lawful reason for these closed sessions is to keep the adversary from learning new information about the city's position. They are not intended to keep the public in the dark as to information already shared with, or coming from, that adversary, and yet perversely, that is how they are typically used.

Issues

- A) Shall the Mayor and City Council adopt a Resolution to amend Council Policy 000-16 on Open Meetings to include the following?

Issues

- A) 1. Beginning with the March 22, 2004, regular meeting of the City Council, all closed session items shall be placed on the appropriate regular meeting agenda of the City Council, and listed under the heading "Closed Session Notice and Disclosure".

Issues

- A) 2. All agenda items, including those for closed session, shall include a description that is easily understood and informs the public in a meaningful way.

Issues

- A) 3. At the regular meeting of the City Council, the public shall have the opportunity to directly address the City Council on any closed session item on the agenda.

Issues

- 1) 4. At the regular meeting of the City Council, the Mayor and Councilmembers shall have the opportunity to discuss the basis for convening into closed session, ask questions, respond to questions from the public and vote to decide if they will convene into closed_session. Current language stating that the Council cannot discuss a closed session item at a regular council meeting (as in the March 15, 2004 agenda items 203 and 204) shall be discontinued.

Issues

- A) 5. In the closed session, only those matters listed on the regular council meeting agenda under Closed Session Notice and Disclosure may be considered. All closed sessions shall be transcribed by a reporter from the City Clerk's office, or other similar reporter. Transcripts shall be retained.

Issues

- A) 6. After every closed session, the Mayor and City Council shall adjourn from closed session, reconvene in open session and publicly report, as required under the Brown Act, any final action taken in closed session and the vote or abstention of every member present.

Issues

- A) 7. The City Clerk shall provide to the Mayor and City Council a weekly listing of all litigation filed against or by the City of San Diego, and any City boards, redevelopment agencies and commissions, etc. The list shall include the name of the litigants, the date filed and the case number. A copy of the list shall be kept on file in the clerk's office and available for members of the public.

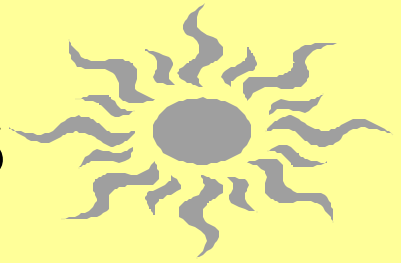
Issues

- B) Shall the Mayor and City Council establish a three-member council committee to amend the permanent Rules of the Council (Section 22.0101) with regard to the Brown Act and Public Records Act, and shall that committee be called The Right to Know Committee, and shall the committee be directed to complete a report in no more than 60 days?

Issues

- C) Shall the Mayor and Council support an amendment to the City Charter to incorporate the proposed state legislation known as SCA 1?

Recommendations



- A)** Docket the proposed Resolution amending Open Meetings Council Policy 000-16 at the March 22, 2004 regular meeting of the City Council.
- B)** Docket the item establishing a three-member council committee called The Right to Know Committee at the March 22, 2004 regular meeting of the City Council.
- C)** Request that the Mayor docket at the Rules Committee for discussion and vote, to place on the November 2004 ballot, an amendment to the City Charter to incorporate the state legislation (SCA 1).